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BEFORE THE BOARD OF PATENT APPEALS
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MAILED

DEC 1 2 2007

Technology Center 2100

Application Number: 10/734,550
Filing Date: December 11, 2003
Appellant(s): GRINBERG, ODED

Patrick J. Buckley
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/20/2007 appealing from the Office action

mailed 11/22/2006.

(1) Real Party in Interest

A statement identifying by name the real Party in Interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

A). Basin et al. U.S. Patent Publication # 2002/0120639 (now U.S. Patent # 6,879,988)

B). Krause et al. U.S. Patent # 6,160,544

C). Laverty et al. U.S. Patent # 6,771,384

D). Lovvik et al. U.S. Patent Publication # 2003/0140065

E). Hull et al. U.S. Patent # 6,772,338

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7,10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Basin et al. U.S. Patent Publication # 2002/0120639 (hereinafter Basin) in view of

Krause et al. U.S. Patent # 6,160,554 (hereinafter Krause) further in view of Laverty et

al. U.S. Patent # 6,771,384 (hereinafter Laverty)

Claims 7,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Basin et al. U.S Patent Publication # 2002/0120639 (hereinafter Basin) in view of

Krause et al. U.S. Patent # 6,160,554 (hereinafter Krause) further in view of Laverty et

al. U.S. Patent # 6,771,384 (hereinafter Laverty) as applied to claim 1, above, in further

view of Lovvik et al. U.S. Patent Publication # 2003/0140065 (hereinafter Lovvik)

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Basin et al. in view of Krause et al. in view of Laverty in view of Lovvik et al. as applied

to claim 7, above, and further in view of Hull et al. U.S. Patent # 6,772,338 (hereinafter

Hull).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Basin et al. in view of Krause et al. and as applied claim 11, above, further in view of

Hull et al. U.S. Patent # 6,772,338 (hereinafter Hull).

Claims 19-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Basin et al. U.S Patent Publication # 2002/0120639 (hereinafter Basin) in view of Lovvik et al. U.S. Patent Publication # 2003/0140065 (hereinafter Lovvik) further in view of Krause et al. U.S. Patent # 6,160,554 (hereinafter Krause) further in view of Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty).

Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basin et al. U.S. Patent Publication # 2002/0120639 (hereinafter Basin) in view of Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty)

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basin et al. U.S. Patent Publication # 2002/0120639 (hereinafter Basin) in view of Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty) further in view of Hull et al. U.S. Patent # 6,772,338 (hereinafter Hull).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-7,10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basin et al. U.S. Patent Publication # 2002/0120639 (hereinafter Basin) in view of Krause et al. U.S. Patent # 6,160,554 (hereinafter Krause) further in view of Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty).

As per claim 1, Basin teaches a method for generating a preview of a content package file, the method comprising:

-retrieving references first level content files from the content package file (Paragraph 37)(Paragraph 10)(Paragraph 12), wherein the first level content files are separate files from the content package file (Paragraph 12)(Paragraph 37);

The reference teaches retrieving from the zip file (content package file) number of files (first level content files)(Fig. 4)(Fig. 9). In figure 9 it teaches extracted files for example "pkzip25.exe" (first level content file).

-extracting content from the first level content files and replacing references to the first level content files in the content package file with the content extracted from the first level content files to create a combined file. (Fig. 9)(Paragraph 39)(Paragraph 37 lines 4-16)

The reference teaches creating a zip file (combined file) with the content from the first level content files, which are extracted when the user selects PKZIP|extract here (content extracted from first level content files)(Paragraph 37 lines 4-16).

-removing the references from the combined file (Paragraph 10)(Paragraph 12); and

-creating a preview of a least a portion of the content package file based on the content in the combined file. (Paragraph 35)(Fig. 9)(Paragraph 36)

The reference teaches displaying (previewing) the contents of the file in the zip file (combined file)

Basin fails to teach wherein information rendered by the preview displays at least some of the content extracted from the first level content files and content from the second package file wherein the preview displays a simulated version of the content package modified with the content from the combined file, wherein the preview occurs prior to generating a modified content package file from the combined file. Krause teaches creating a preview of a least a portion of the content package file based on the content in the combined file (column 3 lines 35-41) wherein information rendered by the preview displays at least some of the content extracted from the first level content files (column 3 lines 7-15) and content from the second package file (column 3 lines 22-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Krause's invention in Basin's invention to come up with previewing the some of the content of the first level content files and content from the second package file. The motivation for doing so would have been to offer automatic and almost instantaneous method for previewing the contents of a file without having to a launch an application (column 4 lines 25-29).

Basin and Krause both fails to teach the displays a simulated version of the content package modified with the content from the combined file, wherein the preview occurs prior to generating a modified content package file from the combined file. Laverty teaches the displays a simulated version of the content package modified with the content from the combined file (Fig. 7)(column 12 lines 42-51)(column 22 lines 15-32), wherein the preview occurs prior to generating a modified content package file from the combined file (Fig. 7)(Fig. 16)(column 12 lines 42-51)(column 14 lines 25-

28)(column 22 lines 15-32). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Laverty's teaching in Basin and Krause's teaching to come up with previewing a simulated version of the content package prior to generating a modified content package file. The motivation for doing so would been so check whether if there are any errors or the preview looks like the way the user desired therefore any changes can be made before merging the files.

As per claim 2, Basin, Krause and Laverty teaches the method according to claim 1 but Basin further teaches, wherein the preview of the content package file includes meta-data about the first level content files. (Figure 9)

The reference teaches which first level content files extracted/tested (meta-data) in the content package file.

As per claim 3, Basin, Krause and Laverty teach the method according to claim 1 but Basin further teaches further comprising:

-determining whether the first level content files contain references to second level content files (Fig. 9). The figure teaches first level content files with the "+" signs and underneath it a second level content file.

As per claim 4, Basin, Krause and Laverty teach the method according to claim 1 but Basin further teaches further comprising: ·

-if the first level content files contain reference to second level content files, retrieving the second level content files; (Fig. 9)(Fig. 4). The figure teaches second level files extracted (retrieved) with the first level content files. The second level files are listed under the first level files.

-extracting content from the second level content files and replacing the reference with content from the second level content files (Fig. 9)(Fig. 4) (Paragraph 39)

As per claim 5, Basin teaches the method according to claim 4 wherein the preview of the content package file contains information about the first level and the second level content files in a hierarchical format. (Fig. 9) (Paragraph 35)(Paragraph 36)

The reference teaches the display content of the files and according to figure 9 it is in hierarchical format.

As per claim 6, Basin teaches the method according to claim 5 wherein the hierarchical format of the preview is expandable to view the information about the first level and the second level content files. (Fig. 9) (Paragraph 35)(Paragraph 36)

The reference teaches first level and the second level files in hierarchical format and to preview is expandable which is done with the first level file having the "+" and the second level file underneath it.

As per claim 10, Basin, Krause and Laverty teach the method according to claim 1 but Basin further teaches further comprising:

-displaying a notification if any of the references to any content files contain errors(Paragraph 37)

The reference teaches showing the error to files in the dialogue box (displaying notification).

As per claim 11, Basin teaches a computer program product for previewing a content package file comprising code stored on a computer readable medium, the code comprising:

-code for fetching references to first level content files referred to in the content package file (Paragraph 37), wherein the first level content files are separate files from the content package file (Paragraph 12)(Paragraph 37);

The reference teaches retrieving from the zip file (content package file) number of files (first level content files)(Fig. 4)(Fig. 9). In figure 9 it teaches extracted files for example "pkzip25.exe" (first level content file)

-code for obtaining content from the first level content files and replacing references to the first level content files in the content package file with the content extracted from the first level content files to create a combined file (Fig. 9)(Paragraph 39) (Paragraph 37 lines 4-16).

The reference teaches creating a zip file (combined file) with the content from the first level content files, which are extracted when the user selects PKZIP|extract here (content extracted from first level content files)(Paragraph 37 lines 4-16).

-code for removing the references from the combined file (Paragraph 10)(Paragraph 12); and

-code for generating a preview of the content package file based on the content in the combined file (Paragraph 35)(Fig. 9)(Paragraph 36)

The reference teaches displaying (previewing) the contents of the file in the zip file (combined file)

Basin fails to teach wherein information rendered by the preview displays at least some of the content extracted from the first level content files and content from the second package file. Krause teaches code for generating a preview of the content package file based on the content in the combined file (column 3 lines 35-41) wherein information rendered by the preview displays at least some of the content extracted from the first level content files (column 3 lines 7-15) and content from the second package file (column 3 lines 22-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Krause's invention in Basin's invention to come up with previewing the some of the content of the first level content files and content from the second package file. The motivation for doing so would have been to offer automatic and almost instantaneous method for previewing the contents of a file without having to a launch an application (column 4 lines 25-29).

Basin and Krause both fails to teach the displays a simulated version of the content package modified with the content from the combined file, wherein the preview occurs prior to generating a modified content package file from the combined file. Laverty teaches the displays a simulated version of the content package modified with the content from the combined file (Fig. 7)(column 12 lines 42-51)(column 22 lines 15-32), wherein the preview occurs prior to generating a modified content package file from the combined file (Fig. 7)(Fig. 16)(column 12 lines 42-51)(column 14 lines 25-28)(column 22 lines 15-32). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Laverty's teaching in Basin and Krause's teaching to come up with previewing a simulated version of the

content package prior to generating a modified content package file. The motivation for doing so would been so check whether if there are any errors or the preview looks like the way the user desired therefore any changes can be made before merging the files.

As per claim 12, Basin, Krause and Laverty teaches a computer program product of claim 11 but Basin further teaches further comprising:

-code for displaying a notification if any of the references to the first level content files contain errors (Paragraph 37).

The reference teaches showing the error to files in the dialogue box (displaying notification).

As per claim 13, Basin, Krause and Laverty teaches a computer program product of claim 11 but Basin further teaches further comprising:

-code for determining whether any of the first level content files contain references to second level content files (Fig. 9). The figure teaches first level content files with the "+" signs and underneath it a second level content file.

As per claim 14, Basin teaches the computer program product of claim 13 further comprising:

-code for fetching the second level content files referred to in the first level content files (Fig. 9)(Fig. 4).The figure teaches second level files extracted (fetching) with the first level content files. The second level files are listed under the first level files.

-code for obtaining content from the second level content files (Fig. 9)(Fig. 4) (Paragraph 39).

-code for replacing the references to the second level content files with the content from the second level content files to create the combined file (Fig. 9)(Fig. 4) (Paragraph 39).

As per claim 15, Basin teaches the computer program product of claim 14 wherein the code for previewing the content package file displays the content from the first level and the second level content files in a hierarchical format. (Fig. 9) (Paragraph 35)(Paragraph 36)

The reference teaches the display content of the files and according to figure 9 it is in hierarchical format.

As per claim 16, Basin teaches the computer program product of claim 15 wherein the hierarchical format is expandable to view the content from the first level and the second level content files. (Fig. 9) (Paragraph 35)(Paragraph 36)

The reference teaches first level and the second level files in hierarchical format and to preview is expandable which is done w/ the first level file having the "+" and the second level file underneath it.

2. Claims 7,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basin et al. U.S Patent Publication # 2002/0120639 (hereinafter Basin) in view of Krause et al. U.S. Patent # 6,160,554 (hereinafter Krause) further in view of Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty) as applied to claim 1, above, in further view of Lovvik et al. U.S. Patent Publication # 2003/0140065 (hereinafter Lovvik)

As per claim 7, Basin, Krause and Laverty teaches the method according to claim 1 but both fails to teach importing content package file to the portal server

computer. Lovvik teaches importing content package file to the server computer

(Paragraph 5). It would have been obvious to one of ordinary skill in the art at the time

of applicant's invention to implement Lovvik's invention in Basin and Krause and

Laverty's invention to come up with importing content package file to the server

computer. The motivation for doing so would have been to use the imported content

package file in a software development environment.

As per claim 17, Basin, Krause and Laverty teaches the computer program

product of claim 11 but fails to teach a code for importing content package file to the

portal server computer. Lovvik teaches code for importing content package file to the

server computer. (Paragraph 5). It would have been obvious to one of ordinary skill in

the art at the time of applicant's invention to implement Lovvik's invention in Basin and

Krause's invention to come up with importing content package file to the server

computer. The motivation for doing so would have been to use the imported content

package file in a software development environment.

3. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Basin et al. in view of Krause et al. in view of Laverty in view of Lovvik et al. as applied

to claim 7, above, and further in view of Hull et al. U.S. Patent # 6,772,338 (hereinafter

Hull).

As per claim 8, Basin, Krause, Laverty and Lovvik teaches the method according

to claim 7 teach storing content package file and the first level content files on the portal

server computer, but fails to teach the first level content files overwrite duplicative files

that are stored on the portal server computer. Hull teaches the first level content files

overwrite duplicative files that are stored on the computer. (column 7 lines 32-53). It
would have been obvious to one of ordinary skill in the art at the time of applicant's
invention to implement Hull's invention into Basin's, Krause's, Laverty's and Lovvik's
inventions to come up with overwriting duplicative files. The motivation for doing so
would have been to save disk space or to avoid confusing with multiple duplicative files.

As per claim 9, Basin, Krause, Laverty and Lovvik teaches the method according
to claim 7 teach storing content package file and the first level content files on the portal
server computer, but fails to teach the first level content files do not overwrite duplicative
files that are stored on the portal server computer. Hull teaches the first level content
files not to overwrite duplicative files that are stored on the computer. (column 7 lines
32-53). It would have been obvious to one of ordinary skill in the art at the time of
applicant's invention to implement Hull's invention into Basin's, Krause's, Laverty's and
Lovvik's inventions to come up with not overwriting duplicative files. The motivation for
doing so would have been to multiple copies of the files in case the original file goes
corrupt or missing.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Basin et al. in view of Krause et al. and as applied claim 11, above, further in view of
Hull et al. U.S. Patent # 6,772,338 (hereinafter Hull).

As per claim 18, Basin, Krause and Laverty teaches the computer program
product of claim 11 further comprising a code for storing content package file and the
first level content files on the portal server computer (Paragraph 5), but fails to teach the
first level content files do not overwrite duplicative files that are stored on the portal

server computer. Hull teaches the first level content files not to overwrite duplicative files

that are stored on the computer. (Column 7 lines 32-53). It would have been obvious to

one of ordinary skill in the art at the time of applicant's invention to implement Hull's

invention into Basin's, Krause's inventions to come up with not overwriting duplicative

files. The motivation for doing so would have been to multiple copies of the files in case

the original file goes corrupt or missing.

5. Claims 19-24 rejected under 35 U.S.C. 103(a) as being unpatentable over

Basin et al. U.S Patent Publication # 2002/0120639 (hereinafter Basin) in view of Lovvik

et al. U.S. Patent Publication # 2003/0140065 (hereinafter Lovvik) further in view of

Krause et al. U.S. Patent # 6,160,554 (hereinafter Krause) further in view of Laverty et

al. U.S. Patent # 6,771,384 (hereinafter Laverty).

As per claim 19, Basin teaches a computer system that previews a content

package file containing reference to content files, the computer system comprising:

-fetching references to content files from the content package file (Paragraph 37)

wherein the content files are separate files from the content package file fetches

the content files associated with the references (paragraph 12)(Paragraph 37);

The reference teaches retrieving from the zip file (content package file) number

of files (first level content files)(Fig. 4)(Fig. 9). In figure 9 it teaches extracted files for

example "pkzip25.exe" (first level content file),

-replaces references to the content files with content extracted from the content

files to create a combined file (Fig. 9)(Paragraph 39)

The reference teaches creating a zip file (combined file) with the content from the

first level content files

-removes the references from the combined file (paragraph 10)(Paragraph 12)

-creates a preview screen of the content package file and the content files using

combined file (Paragraph 35)(Fig. 9)(Paragraph 36)

The reference teaches displaying (previewing) the contents of the file in the zip

file (combined file)

-a client that displays the preview screen (Fig. 9)(Fig. 4)

The references the preview screen on the client display.

Basin fails to teach a portal server. Lovvik teaches a portal server to fetch

content files (Paragraph 5). It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to implement Basin's invention in Lovvik's invention

to come up with a portal server to fetch the content files. The motivation for doing so

would have been to fetch the content files and store it on the portal server.

Basin and Lovvik both fails to teach wherein information rendered by the preview

screen displays at least some of the content extracted from the first level content files

and content from the second package file. Krause teaches a client that displays the

preview screen (Fig. 1 element 140) wherein information rendered by the preview

screen (Fig. 1 element 140) (column 3 lines 35-41) displays at least some of the content

extracted from the first level content files (column 3 lines 7-15) and content from the

second package file (column 3 lines 22-28). It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention was made to implement

Krause's invention in Basin and Lovvik's invention to come up with previewing the some of the content of the first level content files and content from the second package file. The motivation for doing so would have been to offer automatic and almost instantaneous method for previewing the contents of a file without having to a launch an application (column 4 lines 25-29).

Basin, Lovvik and Krause fails to teach the displays a simulated version of the content package modified with the content from the combined file, wherein the preview occurs prior to generating a modified content package file from the combined file. Laverty teaches the displays a simulated version of the content package modified with the content from the combined file (Fig. 7)(column 12 lines 42-51)(column 22 lines 15-32), wherein the preview occurs prior to generating a modified content package file from the combined file (Fig. 7)(Fig. 16)(column 12 lines 42-51)(column 14 lines 25-28)(column 22 lines 15-32). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Laverty's teaching in Basin, Lovvik and Krause's teaching to come up with previewing a simulated version of the content package prior to generating a modified content package file. The motivation for doing so would been so check whether if there are any errors or the preview looks like the way the user desired therefore any changes can be made before merging the files.

As per claim 20, Basin, Lovvik, Krause and Laverty teaches the computer system according to claim 19 but Basin further teaches wherein the preview screen displays a notification if any of the references contain error (Paragraph 37).

The reference teaches showing the error to files in the dialogue box (displaying notification).

As per claim 21, Basin, Lovvik, Krause and Laverty teaches the computer system according to claim 19, but Basin further teaches wherein the preview screen displays the content from the content files in an hierarchical format. (Fig. 9) (Paragraph 35)(Paragraph 36)

The reference teaches the display content of the files and according to figure 9 it is in hierarchical format.

As per claim 22, Basin, Lovvik, Krause and Laverty teaches the computer system according to claim 19 but Basin and Krause fails to teach the portal server imports the content package file and the content files from the client if a user selects an import option after viewing the preview screen. Lovvik teaches the portal server imports the content package file if the user selects import option (Paragraph 5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement's Basin's invention in Lovvik's invention to come up with the portal server importing the content package files if the user selects the import option. The motivation for doing so would have been to use the imported content package file in a software development environment.

As per claim 23, Basin, Lovvik, Krause and Laverty teach the computer system according to claim 19 but Basin further teaches wherein the content files include first level content files and second level content files. (Fig. 9) The figure teaches first level content files with the "+" signs and underneath it a second level content file.

As per claim 24, Basin, Lovvik and Krause teaches the computer system according to claim 19 but Basin further teaches wherein the preview screen displays meta-data about the content files (Figure 9).

The reference teaches which first level content files extracted/tested (meta-data) in the content package file.

6. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basin et al. U.S. Patent Publication # 2002/0120639 (hereinafter Basin) in view of Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty).

As per claim 25, Basin teaches a method of previewing the generation of a content package file, the method comprising:

-obtaining references to first level content files from a content package file, wherein the content files are separate filed from the content package file (Paragraph 10)(Paragraph 37)(Paragraph 12);

-extracting content from first level content files referred to in a content package file Paragraph 37);

The reference teaches retrieving from the zip file (content package file) number of files (first level content files)(Fig. 4)(Fig. 9). In figure 9 it teaches extracted files for example "pkzip25.exe" (first level content file)

-extracting content from one or more lower level content files referenced to the first level content files and replacing references to the first level content files and the one or more lower level content files with at least some of the extracted content to

generate a combined content file representing a modified version of the content

package file; and (Fig. 9)(Paragraph 39)(Paragraph 37 lines 4-16)

The reference teaches creating a zip file (combined file) with the content from the

first level content files, which are extracted when the user selects PKZIP|extract here

(content extracted from first level content files)(Paragraph 37 lines 4-16).

-removing the references from the combined content file (Paragraph

10)(Paragraph 12); and

-previewing the modified version of the content package file to determine if there

are issues associated with generating a modified content package file using the

combined file content.

Basin fails to teach previewing the modified version of the content package file to

determine if there are issues associated with generating a modified content package file

using the combined file content. Laverty teaches previewing the modified version of the

content package file to determine if there are issues associated with generating a

modified content package file using the combined file content (Fig. 7)(Fig. 16)(column

12 lines 42-51)(column 14 lines 25-28)(column 22 lines 15-32). It would have been

obvious to one of ordinary skill in the art at the time of applicant's invention was made to

implement Laverty's teaching in Basin's teaching to come up with previewing a modified

version of the content package to determine issues associated with generating a

modified content package file. The motivation for doing so would been so check

whether if there are any errors or the preview looks like the way the user desired

therefore any changes can be made before merging the files.

As per claim 26, Basin and Laverty teaches the method of claim 25, but Laverty

further teaches wherein the issues comprise errors associated with file location or file

name (column 23 lines 56-60).

7. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Basin et al. U.S. Patent Publication # 2002/0120639 (hereinafter Basin) in view of

Laverty et al. U.S. Patent # 6,771,384 (hereinafter Laverty) further in view of Hull et al.

U.S. Patent # 6,772,338 (hereinafter Hull).

As per claim 27, Basin and Laverty teaches the method of claim 25, wherein

previewing the combined content file comprises identifying any of the first level content

files or any of the one or more lower level content files but fails to teach the first level

content files overwrite existing files to generate the modified content package file. Hull

teaches the first level content files or any of the one or more lower level content files

that overwrite existing files to generate the modified content package file (column 7 lines

32-53). It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to implement Hull's invention into Basin's and Laverty's inventions

to come up with overwriting duplicative files. The motivation for doing so would have

been to save disk space or to avoid confusing with multiple duplicative files.

As per claim 28, Basin, Laverty and Hull teaches the method of claim 27, but Hull

further wherein identifying comprises providing an option for allowing or disallowing

overwriting existing files with the first level content files or any of the one or more lower

level content files. (column 7 lines 32-53).

10) Response to Arguments

Appellant's First Argument:

As per claim 1, Appellant states Basin does not have the claimed combined file.

Examiner's Response:

Examiner respectfully disagrees with the appellant because in Fig. 9, Paragraph 39, and Paragraph 37 lines 4-16, Basin teaches creating a zip file (combined file) with the content from the first level content files, which are extracted when the user selects PKZIP|extract. In Paragraph 38, Basin teaches creating a new zip file by adding files and folders the user wishes to archive in the new zip file (combined file). Examiner would also like to point out that a combined file can also be equated to the PKZIP|extract when the PKZIP|extract extracts the contents of the archive (first level content files) from the directory where the zip resides and a new directory ("Test") is created under the directory where the zip archive resides thereby extracting all the files in the "test" directory.

Appellant states Basin only shows a list of filenames in Fig. 9 and does not show any content. Examiner would like to point out that the since the zip file is extracted and it shows the list of content files name which all include extensions (.gif, .bmp, .exe) that show that the files are executable and thus must necessarily contain content. In addition some of the files have (e.g. pkzip25.exe) a plus (+) sign next to it. As those of ordinary skill in the art know, this means that there are executable sub-files under "pkzip25.exe" executable file/folder (new folder (3) and 1960). Therefore Basin does indeed read on the claimed limitations.

Appellant's Second Argument:

As per claim 1, Appellant states Basin does not teach "removing the references from the combined file".

Examiner's Response:

Examiner respectfully disagrees with the appellant because in Paragraph 39,40 41, Basin teaches deleting a file in a zip file which is how a reference is removed from a zip file (combined file).   Appellant states that deleting is not replacing references with content and removing the reference, it is just deleting. The claim states replacing references to the first level content files with content extracted from the first level content files. The claim language does not states that references and content are two different entities (i.e. replacing reference to the first level content with content means that reference can be used as file/file folders name or file/folder itself in which it contains the content.) The claim language does not state how the references are defined. Accordingly, using the broadest reasonable interpretation, the Examiner construed the claim language "references" to mean files or folders which have a name and/or content. Basin teaches adding the files or folders to the zip file and the files or folders having a name and also includes files or folder having content. Basin further teaches that clicking on the file or folder name. which is inside the zip file (combined file), executes the file or folder and that clicking the delete key deletes the file or folder name and content. This is removing the references as broadly as claimed.   Therefore Basin teaches the claimed limitations.

Appellant's Third Argument:

As per claim 1, Appellant states that Basin and Krause fail to teach "previewing the combined file that contains at least some of the content extracted from the first level content files and content from the content package file".

Examiner's Response:

Examiner respectfully disagrees with the appellant because in Fig. 9, Paragraph 35, and Paragraph 36, Basin teaches previewing the zip file (combined file) that contains content extracted from the "pkzip25.exe" or "pkzigtb.bmp" . Examiner would like to closely point out that the filename "pkzip25.exe" has a plus (+) sign next to it. As discussed above in response to appellant's first argument, the plus indicates that files that under "pkzip25.exe" are the executable files or folders "new folder (3)" and "1960". Clearly, this is a "preview" of the files under "Pkzip25.exe". Therefore Basin teaches the claimed limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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December 4, 2007

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